

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

FROYLAN SANCHEZ,

Case No. 3:22-cv-00813-AA

Plaintiff,

ORDER

v.

DEWAYNE HENDRIX, Warden;
FCI SHERIDAN,

Defendants.

AIKEN, District Judge.

Plaintiff, an adult in custody at the Federal Correctional Institution in Sheridan, Oregon (FCI Sheridan), filed this action and alleged unconstitutional conditions of confinement arising from the lack of medical care. Construing plaintiff's Amended Complaint liberally, I found that he arguably alleged an Eighth Amendment claim for injunctive relief against the Warden of FCI Sheridan in his official capacity. *See* Order dated January 9, 2023 (ECF No. 9). After plaintiff

completed the necessary forms for service, the forms were forwarded to the United States Marshals Service to effectuate service.

An unexecuted Return of Service was filed in this case, indicating that service was not effectuated because the FCI Sheridan Warden named in plaintiff's suit had been replaced by a new Warden. An email attached to the unexecuted Return of Service indicated that the new Warden, Israel Jacquez, agreed to "waive service in this matter." *See* (ECF No. 11).

Accordingly, pursuant to Fed. R. Civ. P. 25(d), Israel Jacquez is HEREBY SUBSTITUTED as a defendant in place of DeWayne Hendrix. Further, the Court deems service to be WAIVED by Warden Jacquez, and an Answer or other responsive pleading is due by September 5, 2023.

The Clerk of the Court is directed to send this Order and the Amended Complaint to the U.S. Attorney for the District of Oregon.

IT IS SO ORDERED.

DATED this 6th day of July, 2023.

/s/Ann Aiken
ANN AIKEN
United States District Judge